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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 GEORGE AVALOS,

12 Plaintiff,

13 v.

14 MICHAEL EDWARD FOWLER, et al.,

15 Defendants.
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No. 1:21-cv-00534-NONE-SKO

ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANT MICHAEL
EDWARD FOWLER

(Doc. 7)

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18 On May 18, 2021, Plaintiff filed a Notice for Voluntary Dismissal Without Prejudice as to
19 Defendant Michael Edward Fowler, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). (Doc.
20 24.)

21 In relevant part, Rule 41(a)(1)(A) provides as follows:

22 [A] plaintiff may dismiss an action without a court order by filing: (i) a notice of
23 dismissal before the opposing party serves either an answer or a motion for
24 summary judgment; or (ii) a stipulation of dismissal signed by all parties who have
appeared.

25 Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or
26 all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the
27 action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111
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1 F.3d 688, 692 (9th Cir. 1997).

2 Because Plaintiff filed a notice of dismissal of this case without prejudice under Rule
3 41(a)(1)(A)(i), this case has automatically terminated as to Defendant Michael Edward Fowler.
4 Fed. R. Civ. P. 41(a)(1)(A). Accordingly, the Clerk of the Court is directed to TERMINATE
5 Defendant Michael Edward Fowler.

6 This case shall remain OPEN pending resolution of Plaintiff's case against the remaining
7 defendant.

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9 IT IS SO ORDERED.

10 Dated: May 19, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE